

### **REMARKS**

This amendment is in response to the Office Action dated February 16, 2007. Claims 8, 16, 31, 38, 43 and 44 have been amended. No new matter has been added. Claims 8-11, 16-22 and 31-44 remain pending after entry of the present amendment. Entry of the present amendment, reconsideration and allowance are respectfully requested.

#### ***Claims Rejected Under 35 U.S.C. § 101***

Claims 16, 17, and 31-37 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants note that in *In re Lowry*, 32 USPQ2d 1031 (Fed. Cir. 1994), the Federal Circuit explicitly authorizes data structure claims such as those presented in this application. The Lowry court stated:

The printed matter cases have no factual relevance where "the invention as defined by the claims requires that the information be processed not by the mind but by a machine, the computer." *Id.* (emphasis in original). Lowry's data structures, which according to Lowry greatly facilitate data management by data processing systems, are processed by a machine. Indeed, they are not accessible other than through sophisticated software systems. The printed matter cases have no factual relevance here. 32 USPQ2d 1031, 1035.

Amended independent claims 16 and 31 recite processing by a computer system and thus constitute allowable subject matter.

#### ***Claims Rejected Under 35 U.S.C. § 103***

Claims 8-11, 16-22 and 31-44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Glaser (US Pat. No. 5,953,731) in view of Foley *et al.* (US Pat No 5,706,502, hereinafter "Foley") and further in view of Kirkner *et al.* (Netscape Site, 1996 QUE Corporation, pages 524-535, hereinafter "Kirkner"). This rejection is respectfully traversed.

Preliminarily, Applicants note that the Office Action, in formulating rejections to the claims, merely points to various passages from the applied art (Glaser in particular), without specifically identifying or explaining out how the references allegedly demonstrate the recited features. In the event that the Office Action continues to apply the same references (i.e., Glaser), Applicants respectfully request the Office Action to *specifically* address how the references

allegedly demonstrate the recited features as per MPEP § 707(c)(2). Notwithstanding the above, Applicants have reviewed the cited references and submit the instant claims are patentably distinguishable.

Amended independent claim 8 recites, among other features, “wherein said first page references the first method associated with the object stored on the second page to support script in said first page without referencing a second method associated with the object stored on the second page.” Glaser fails to teach or suggest the recited features. Glaser (Abstract) is directed to a method, apparatus, and article of manufacture for providing a programming development environment that supports the development of Internet and Intranet applications. More specifically, Glaser at col. 6, lines 8-18 describes an HTML integration utility that allows visual selection and/or manipulation of HTML pages or forms, enabling a user to drag and drop a selected control (e.g., button) from one form or HTML page onto another HTML page. Glaser at col. 7, lines 27-33, in accordance with Fig. 6D, discloses the aforementioned drag and drop technique, wherein an HTML reference to an *object* (e.g., “<http://www.somesite.com/path/APPLETCODE=grid1.class WIDTH=100 HEIGHT=50>”) is inserted into a FORM2, from a FORM1. Thus, Applicants submit that Glaser, at most, discloses the instantiation of an *entire object* into a first page. Glaser fails to teach or suggest a first page referencing a method of an object stored on a second page without referencing a second method of the object, as recited in claim 8.

The Office Action at page 8 (Response to Arguments) further contends that Glaser at col. 6, lines 9-19 demonstrates subsequent to dragging/dropping a (control) button into another page, the button’s applet code is inserted into the code of the second page (e.g., the alleged first page, as recited), with automatic inclusion of any dependency code and/or control into the second page (e.g., the alleged first page, as recited) as well. Notably, Glaser at col. 6, lines 9-19 demonstrates conducting a dependency check for other codes and/or controls upon which the inserted applet (e.g., the alleged second page object control, as recited) depends and . . . performs automatic inclusion of the dependency code and/or control. Merely including an entire applet object in a page does not constitute *referencing* a method of an object of a second page, much less referencing the method of the object *without referencing a second method of the object*. The Office Action asserts that “since Glaser teaches selecting and inserting a control from one form object or HTML page into another HTML page (Glaser Abstract), it would have been obvious to

initially reference the page with the desired control (applet) prior to copying said control.” However, the Office Action does not provide any support for such a teaching or suggestion. If the Office Action is taking Official Notice, Applicants respectfully disagree with and traverse this taking of Official Notice and further request documentation in support of this assertion. Notwithstanding whether the Office Action’s taking of Official Notice is valid or proper, the Office Action fails to provide any motivation to combine per MPEP § 2143. Further, Foley and Kirkner fail to cure the above noted deficiencies of Glaser with respect to claim 8. Thus, notwithstanding whether any combination of Glaser, Foley and Kirkner is proper, the resultant combination fails to result in all of the features recited in claim 8. Thus, claim 8 is allowable.

Dependent claims 9-11, which depend from claim 8, are allowable for at least the same reasons as claim 8, and further in view of the additional advantageous features recited therein.

Amended independent claim 16 recites features similar to those described above with respect to claim 8. Thus, claim 16 is allowable for at least the same reasons discussed above with respect to claim 8.

Dependent claim 17, which depends from 16, is allowable for at least the same reasons as claim 16, and further in view of the additional advantageous features recited therein.

Amended independent claim 18 recites features similar to those described above with respect to claim 8. Thus, claim 18 is allowable for at least the same reasons discussed above with respect to claim 8.

Dependent claims 19-22, which depend from claim 18, are allowable for at least the same reasons as claim 18, and further in view of the additional advantageous features recited therein.

Amended independent claim 31 recites features similar to those described above with respect to claim 8. Thus, claim 31 is allowable for at least the same reasons discussed above with respect to claim 8.

Dependent claims 32-37, which each depend from claim 31, are allowable for at least the same reasons as claim 31, and further in view of the additional advantageous features recited therein.

Amended independent claim 38 recites features similar to those described above with respect to claim 8. Thus, claim 38 is allowable for at least the same reasons discussed above with respect to claim 8.

Dependent claims 39-42, which each depend from claim 38, are allowable for at least the same reasons as claim 38, and further in view of the additional advantageous features recited therein.

Amended independent claim 43 recites features similar to those described above with respect to claim 8. Thus, claim 43 is allowable for at least the same reasons discussed above with respect to claim 8.

Amended independent claim 44 recites features similar to those described above with respect to claim 8. Thus, claim 44 is allowable for at least the same reasons discussed above with respect to claim 8.

### **CONCLUSION**

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. Should the Examiner find that a telephonic or personal interview would expedite passage to issue of the present application, the Examiner is encouraged to contact the undersigned attorney at the telephone number indicated below. If any additional required fees are or if an overpayment has been made the Commissioner is authorized to charge or credit Deposit Account No. 19-0733. Applicants look forward to passage to issue of the present application at the earliest convenience of the Office.

Respectfully submitted,  
**BANNER & WITCOFF, LTD.**

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